

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKASECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

vs.

BRYAN S. BEHRENS, et al.,

Defendants.

8:08-CV-13

MEMORANDUM AND ORDER

This matter is before the Court on a filing from pro se defendant Bryan S. Behrens that the Court interprets, as it relates to this case, as a motion for copies (filing [342](#)). That motion will be denied.

Behrens does not have the right to receive copies of documents without payment, even though he has been granted leave to proceed on appeal in forma pauperis. See, [28 U.S.C. § 1915](#); *Lewis v. Precision Optics, Inc.*, [612 F.2d 1074, 1075](#) (8th Cir. 1980). The statutory right to proceed in forma pauperis does not include the right to obtain copies of court filings without payment. *Harless v. United States*, [329 F.2d 397, 398-99](#) (5th Cir. 1964); accord *Jackson v. Fla. Dep't of Fin. Servs.*, [479 Fed. Appx. 289, 292-93](#) (11th Cir. 2012); see also, *Douglas v. Green*, [327 F.2d 661, 662](#) (6th Cir. 1964); *Hullom v. Kent*, [262 F.2d 862, 863-64](#) (6th Cir. 1959); *In re Fullam*, [152 F.2d 141, 141](#) (D.C. Cir. 1945). And the Court is particularly reluctant to subsidize such litigation when the indigent litigant has neither specified the documents he has requested nor explained why he needs copies of them. See, *Jackson*, [479 Fed. Appx. at 293](#); *Douglas*, [327 F.2d at 662](#); *Parker v. Dir. of Dep't of Corrs*, [2010 WL 7746630, at *1](#) (E.D. Va. Feb. 16, 2010).

Here, Behrens has submitted a non-specific request for "a copy of all the billing records submitted and approved by the Court." Filing [342](#) at 1. The Court has attached to this order a copy of the docket entries that the Court interprets as being responsive to that request: 22 documents totaling 150 pages. Behrens has not explained why he needs these documents, nor is the Court in any event obliged to subsidize Behrens' litigation expenses. Accordingly, Behrens' motion for copies (filing [342](#)) will be denied.

Behrens has at least three other options for obtaining these documents:

- (a) Behrens may request the copies again from the Clerk of the Court (preferably using the attached list of docket entries to specify which documents he wants) and submit the prepayment for copy services required by [NEGenR 1.2\(d\)](#). Pursuant to [NEGenR 1.2\(f\)](#) and the [fee schedule set by the Administrative Office of the United States Courts](#), the charge for reproducing any record or paper is 50¢ per page. The charge for all the documents reflected on the attached list would, therefore, be \$75.
- (b) Behrens may ask a family member, friend, or other associate to go to the U.S. Courthouse in Lincoln or Omaha during regular business hours and purchase paper copies of documents accessed electronically from the public terminals available in the clerk's office. Pursuant to [NEGenR 1.3\(a\)\(1\)\(A\)\(iii\)](#) and the [fee schedule for electronic public access set by the Administrative Office of the United States Courts](#), the fee for such copies is 10¢ per page.
- (c) Behrens may contact his former civil counsel to see if counsel retained copies of the documents that Behrens wants, and ask counsel if they are willing to provide copies of those documents to Behrens.

The Court also notes Behrens' filing of a request that the Clerk of the Court provide copies of documents to the Eighth Circuit Court of Appeals (filing [343](#)). The Clerk of the Court has done as Behrens requested. *See* filing [345](#). The Court takes this opportunity to inform Behrens, however, that his request may have been unnecessary. Rule 30A(a)(2) of the [Eighth Circuit Local Rules](#) provides:

In all pro se appeals, the entire district court record is available for review. If the record is available in electronic format, the court will review the electronic version of the record. At the time a pro se notice of appeal is filed, the clerk of the district court must transmit to the clerk of this court the originals or paper copies of those portions of the original record which are not available through PACER, such as documentary exhibits, administrative records and state court files.

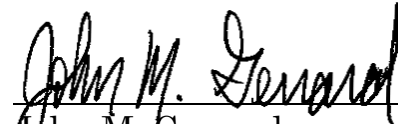
In filing [343](#), Behrens requested documents that all had CM/ECF filing numbers: documents that were, in other words, available electronically. Behrens is informed, for his own future convenience and the convenience of the clerk's office, that he does not need to ask the clerk of the district court to forward electronically available records to the Court of Appeals.

IT IS ORDERED:

1. Behrens' motion for copies (filing [342](#)) is denied.

Dated this 11th day of July, 2013.

BY THE COURT:



John M. Gerrard
United States District Judge

**U.S. District Court
District of Nebraska (8 Omaha)
ABRIDGED CIVIL DOCKET FOR CASE #: 8:08-cv-00013-JMG-CRZ
Receiver's Fees**

Securities and Exchange Commission v. Behrens, et al
Assigned to: Judge John M. Gerrard
Referred to: Magistrate Judge Cheryl R. Zwart
Case in other court: USCA – 8th Circuit, 13–02450
Cause: 15:78m(a) Securities Exchange Act

Date Filed: 01/10/2008
Jury Demand: Plaintiff
Nature of Suit: 850
Securities/Commodities
Jurisdiction: U.S. Government Plaintiff

Date Filed	#	Docket Text
02/17/2009	<u>93</u>	MOTION for Release of Funds <i>for Receiver's Compensation and Expenses</i> by Attorney Thomas D. Stalnaker on behalf of Receiver Thomas D. Stalnaker. (Attachments: # <u>1</u> Exhibit Stalnaker, Becker & Buresh, P.C. Statement)(Stalnaker, Thomas) (Entered: 02/17/2009)
02/17/2009	<u>94</u>	MOTION for Release of Funds <i>for Accountant for Receiver's Compensation</i> by Attorney Thomas D. Stalnaker on behalf of Receiver Thomas D. Stalnaker. (Attachments: # <u>1</u> Exhibit Dan T. Pleiss Statement)(Stalnaker, Thomas) (Entered: 02/17/2009)
02/19/2009	<u>95</u>	ORDER approving <u>93</u> Application for Receiver's Compensation and Reimbursement of Expenses, and approving <u>94</u> Application for Accountant's Compensation. Ordered by Judge Laurie Smith Camp. (JB) (Entered: 02/19/2009)
04/28/2009	<u>108</u>	MOTION for Release of Funds <i>for Accountant's Compensation</i> by Attorney Thomas D. Stalnaker on behalf of Receiver Thomas D. Stalnaker. (Attachments: # <u>1</u> Exhibit Daniel T. Pleiss Statement)(Stalnaker, Thomas) (Entered: 04/28/2009)
04/28/2009	<u>110</u>	MOTION for Release of Funds <i>For Receiver's Compensation and Reimbursement of Expenses</i> by Attorney Thomas D. Stalnaker on behalf of Receiver Thomas D. Stalnaker. (Attachments: # <u>1</u> Exhibit Stalnaker, Becker & Buresh, P.C. Statement)(Stalnaker, Thomas) (Entered: 04/28/2009)
05/08/2009	<u>111</u>	ORDER approving <u>108</u> Motion for Release of Funds; approving <u>110</u> Motion for Release of Funds; the court approves the payment of \$9,795.87 to Thomas D. Stalnaker, Receiver, as compensation for his services and the services of members of his law firm, and reimbursement for expenses; and payment of \$990.00 to Daniel T. Pleiss, C.P.A., as compensation for his services as the Receiver's accountant. Said amounts are to be paid from the Disgorgement Fund as provided in the Court's Order of July 28, 2008. (Filing No. 85). Ordered by Judge Laurie Smith Camp. (ADB,) (Entered: 05/08/2009)
07/21/2009	<u>129</u>	MOTION for Release of Funds <i>For Accountant's Compensation</i> by Attorney Thomas D. Stalnaker on behalf of Receiver Thomas D. Stalnaker. (Attachments: # <u>1</u> Exhibit "A" – Pleiss Statements)(Stalnaker, Thomas) (Entered: 07/21/2009)
07/22/2009	<u>132</u>	ORDER – This matter is before the Court on the Third Application for Accountant's Compensation <u>129</u> Having been advised in the premises, the Court approves the Application in its entirety, and specifically approves the payment of \$2,212.65 to Daniel T. Pleiss, C.P.A., as compensation for his services as the Receiver's accountant. Said amount is to be paid from the Disgorgement Fund as provided in the Court's Order of July 28, 2008 <u>85</u> . Ordered by Judge Laurie Smith Camp. (KBJ) (Entered: 07/23/2009)
07/24/2009	<u>135</u>	Amended MOTION for Release of Funds by Attorney Thomas D. Stalnaker on behalf of Receiver Thomas D. Stalnaker. (Attachments: # <u>1</u> Exhibit "A" – Stalnaker, Becker & Buresh, P.C. Statement)(Stalnaker, Thomas) (Entered: 07/24/2009)

07/28/2009	<u>138</u>	ORDER that the Court approves the Revised Third Application <u>135</u> in its entirety, and specifically approves the payment of \$22,703.81 to Thomas D. Stalnaker, Receiver, as compensation for his services and the services of members of his law firm, and reimbursement for expenses. Said amount is to be paid from the Disgorgement Fund as provided in the Court's Order of 7/28/08 <u>85</u> . The Third Application for Receiver's Compensation and Reimbursement of Expenses <u>131</u> shall be denied as moot. Ordered by Judge Laurie Smith Camp. (JSF) (Entered: 07/28/2009)
11/19/2009	<u>170</u>	MOTION for Release of Funds – 4th by Attorney Thomas D. Stalnaker on behalf of Receiver Thomas D. Stalnaker. (Attachments: # <u>1</u> Exhibit Stalnaker, Becker & Buresh, P.C. Statement)(Stalnaker, Thomas) (Entered: 11/19/2009)
11/23/2009	<u>176</u>	ORDER that the Court approves the Fourth Application <u>170</u> in its entirety, and specifically approves the payment of \$21,089.10 to Thomas D. Stalnaker, Receiver, as compensation for his services and the services of members of his law firm, and reimbursement for expenses. Said amount is to be paid from the Disgorgement Fund as provided in the Court's Order of July 28, 2008 <u>85</u> . Ordered by Judge Laurie Smith Camp. (JSF) (Entered: 11/24/2009)
03/31/2010	<u>198</u>	MOTION for Release of Funds <i>For Receiver's Compensation and Reimbursement of Expenses</i> by Attorney Thomas D. Stalnaker on behalf of Receiver Thomas D. Stalnaker. (Attachments: # <u>1</u> Exhibit Stalnaker, Becker & Buresh, P.C. Statement)(Stalnaker, Thomas) (Entered: 03/31/2010)
04/07/2010	<u>201</u>	ORDER granting <u>198</u> Motion for Release of Funds. Having been advised in the premises, the Court approves the Fifth Application (Filing No. <u>198</u>) in its entirety, and specifically approves the payment of \$19,400.58 to Thomas D. Stalnaker, Receiver, as compensation for his services and the services of members of his law firm, and reimbursement for expenses. Said amount is to be paid from the Disgorgement Fund as provided in the Court's Order of July 28, 2008. (Filing No. <u>85</u>). Ordered by Judge Laurie Smith Camp. (JAB) (Entered: 04/07/2010)
04/14/2010	<u>202</u>	MOTION for Release of Funds <i>For Accountant's Compensation</i> by Attorney Thomas D. Stalnaker on behalf of Receiver Thomas D. Stalnaker. (Attachments: # <u>1</u> Exhibit Pleiss Statements)(Stalnaker, Thomas) (Entered: 04/14/2010)
04/16/2010	<u>204</u>	ORDER the fourth application for accountant's compensation <u>202</u> ; having been advised in the premises, the Court approves the application in its entirety, and specifically approves the payment of \$495.00 to Daniel T. Pleiss, C.P.A., as compensation for his services as the Receiver's accountant. Said amount is to be paid from the Disgorgement Fund as provided in the Court's order of 7/28/2008 <u>85</u> as ordered by Judge Laurie Smith Camp. (SED) (Entered: 04/19/2010)
09/10/2010	<u>215</u>	MOTION for Release of Funds by Attorney Thomas D. Stalnaker on behalf of Receiver Thomas D. Stalnaker. (Attachments: # <u>1</u> Exhibit "A")(Stalnaker, Thomas) (Entered: 09/10/2010)
09/17/2010	<u>217</u>	ORDER – the Court approves the Sixth Application <u>215</u> in its entirety, and specifically approves the payment of \$17,811.20 to Thomas D. Stalnaker, Receiver, as compensation for his services and the services of members of his law firm, and \$566.21 for reimbursement of expenses, for a total payment of \$18,377.41. Said amount is to be paid from the Disgorgement Fund as provided in the Court's Order of July 28, 2008 <u>85</u> . Ordered by Judge Laurie Smith Camp. (JAE) (Entered: 09/17/2010)
06/07/2012	<u>290</u>	MOTION for Release of Funds <i>7th Application for Receiver's Compensation and Reimbursement of Expenses</i> , MOTION to Remand by Attorney Thomas D. Stalnaker on behalf of Receiver Thomas D. Stalnaker. (Attachments: # <u>1</u> Exhibit Stalnaker, Becker & Buresh, PC Statement)(Stalnaker, Thomas) (Entered: 06/07/2012)
06/14/2012	<u>291</u>	MOTION for Release of Funds <i>For Accountant's Compensation</i> by Attorney Thomas D. Stalnaker on behalf of Receiver Thomas D. Stalnaker. (Attachments: # <u>1</u> Exhibit "A")(Stalnaker, Thomas) (Entered: 06/14/2012)
06/28/2012	<u>292</u>	ORDER – This matter is before the Court on the Seventh Application for Receiver's Compensation and Reimbursement of Expenses (Filing No. <u>290</u>).

		Having been advised in the premises, the Court approves the Seventh Application (Filing No. <u>290</u>) in its entirety, and specifically approves the payment of \$24,235.80 to Thomas D. Stalnaker, Receiver, as compensation for his services and the services of members of his law firm, and \$1,376.42 for reimbursement of expenses, for a total payment of \$25,612.22. Said amount is to be paid from the Disgorgement Fund as provided in the Court's Order of July 28, 2008. (Filing No. <u>85</u>). Ordered by Chief Judge Laurie Smith Camp. (GJG) (Entered: 06/28/2012)
07/03/2012	<u>293</u>	ORDER approving <u>291</u> Motion for Release of Funds – The Court approves the Application in its entirety, and specifically approves the payment of \$879.45 to Daniel T. Pleiss, C.P.A., as compensation for his services as the Receiver's accountant. Said amount is to be paid from the Disgorgement Fund as provided in the Court's Order of July 28, 2008. (Filing No. <u>85</u>). Ordered by Chief Judge Laurie Smith Camp. (TEL) (Entered: 07/03/2012)